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CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP
STEVEN M. GREENBERG
950 PENINSULA CORPORATE CIRCLE
SUITE 2022
BOCA RATON, FL 33487

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LUCIANO M. SILVA

Appeal 2009-008210
Application 10/759,409
Technology Center 2400

Before KENNETH W. HAIRSTON, THOMAS S. HAHN, and BRADLEY W. BAUMEISTER, *Administrative Patent Judges*.

Opinion for the Board filed by *Administrative Patent Judge* HAIRSTON.

Concurring-in-part Opinion filed by *Administrative Patent Judge* BAUMEISTER.

HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL[1]

[1] The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE" (paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 4 to 17. Claims 1 to 3 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part.

Appellant's invention is concerned with software development models using distributed application configurations (Spec. ¶ [0002]). More specifically, Appellant discloses and claims a method and system for programmatic role-based security in a dynamically generated user interface (claims 4, 8, and 12; Figs. 1-3; Abs.; Spec. ¶¶ [0001], [0002]). An important aspect of a distributed application is security and differential access for different users having different roles (e.g., manager, employee, etc.) (Spec. ¶¶ [0005], [0006]). Appellant discloses and claims a first view in a security system of a dynamically generated user interface having (i) "a linkage to a second view," and (ii) "access checking logic disposed in said first view and programmed to omit said linkage" (claim 4).

Claims 4 and 8, reproduced below, are illustrative of the subject matter on appeal:

> 4. A system for programmatic role-based security in a dynamically generated user interface, the system comprising:
>
> an application framework configured through a deployment descriptor comprising a listing of a set of views, a listing of associated program logic and a listing of a set of authorized roles for selected ones of said views;
>
> *a first view* listed in said deployment descriptor and *comprising a linkage to a second view* listed in said deployment descriptor; and,

> *access checking logic disposed in said first view* and programmed to omit said linkage where a role of an end user accessing said first view is not authorized to access said second view according to said listing of said set of authorized roles in said deployment descriptor.

(Claim 4 (emphases added)).

> 8. A method for programmatic role-based security in a dynamically generated user interface, the method comprising the steps of:
>
> authenticating access to a rendering of a selected view based upon a role of an end user requesting access to said selected view;
>
> *processing said selected view to identify a method call to access checking logic*;
>
> comparing said role to a set of roles authorized to access a different view associated with said access checking logic; and,
>
> *disposing a link to said different view in said rendering of said selected view* conditional upon said role matches a role in said set of roles.

(Claim 8 (emphases added)).

The Examiner relies upon the following as evidence of unpatentability:

Bazinet	US 2003/0167298 A1	Sep. 4, 2003
Vasandani	US 6,985,946 B1	Jan. 10, 2006 (filed May 12, 2000)
Schenk	US 2006/0004887 A1	Jan. 5, 2006 (filed Apr. 4, 2002)

The following rejections are before us for review:

Claims 4 and 6 to 17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Bazinet and Vasandani.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Bazinet in view of Vasandani, further in view of Schenk.

ISSUES

With regard to independent claims 4, 8, 12, and 16, the Examiner relies upon Bazinet as teaching all of the recited features of these claims except for role-based access security, and relies upon Vasandani as teaching role-based access security (Ans. 3-9).

First Issue: Independent Claim 4

Appellant contends (App. Br. 7-9; Reply Br. 3-8) that Bazinet fails to teach the limitation found in claim 4 of "access checking logic disposed in said first view programmed to omit said linkage" because even if Bazinet teaches a portal application that runs access checking logic and shows the results on the page to the client, this is not the same as showing the access checking logic itself. Appellant asserts (Reply Br. 6) that the access checking logic of blocks 406-414 in Figure 4 of Bazinet are not disposed with the first view (i.e., web page 502 generated by the portal application 102 shown in Figure 5).

Accordingly, the first issue is whether Bazinet discloses or suggests access checking logic disposed in a first view, where the first view also contains a linkage to a second view, as set forth in independent claim 4.

Second Issue: Independent Claims 8 and 12

With regard to claims 8 and 12, Appellant contends (App. Br. 9-11; Reply Br. 8) that Bazinet's Figure 4 discloses steps 408-414 for authenticating a user *before* steps 422-434 are performed which generate a page (i.e., a first view) containing a link to a second view. Appellant asserts (App. Br. 10) that generating a page after an authentication process is not the same as "processing said selected view to identify a method call to access checking logic," as set forth in claims 8 and 12.

Accordingly, the second issue is whether Bazinet discloses or suggests "processing said selected view to identify a method call to access checking logic," as set forth in independent claims 8 and 12.

FINDINGS OF FACT

1. Appellant describes a first or selected view 110 (Figure 1) and its operation (Figure 3) at paragraphs [0023] and [0027] of the Specification:

> Notably, *the selected view 110 can include an internal linkage to a linked view 120.* The internal linkage can be embodied in a hyperlink, button, or menu choice, to name a few. The linked view 120, like the selected view 110 can be defined by a markup language document encapsulating program logic for execution externally to a content browsing process configured to render the markup language document. As before, JSP technology represents a preferred embodiment of the foregoing markup language document.

(Spec. ¶ [0023] (emphasis added)).

> In block 340, the view can be processed in order to produce a dynamic user interface for the view. As is well known in the art, to the extent the view is embodied in an activated server page such as a JSP, *the logic disposed within the view* can be compiled and executed to dynamically produce markup fragments to be combined with statically defined markup fragments in the view. In block 350, *if logic is detected which relates to the conditional inclusion of a link to a second view,* in block 360 the logic can be executed to check role-based permissions for accessing the second view. If in decision block 370 the role of the end user attempting to access the first view would not also be permitted to access the second view, in block 380 the markup linking the second view to the first view can be omitted from the markup produced by the view. Finally, in block 390 the markup produced by the view can be returned for rendering.

(Spec. ¶ [0027] (emphases added)).

2. Bazinet describes a portal application 102 (Fig. 1) that generates a web page 502 on web browser 114 at client 110 for display of backend applications 128, 130 that may be accessed by client 110 (step 416 in Fig. 4; Fig. 5; Abs.; ¶ [0039]). Bazinet also describes a user authentication process (steps 408 to 414 in Fig. 4) based on access privileges of the authenticated user (¶ [0038]). A link for further allowed operations/resources is sent from the portal application 102 to the user in response to a user request (steps 416-434 in Fig. 4; ¶¶ [0037]-[0040]).

Principles of Law

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. *See In re Fine*, 837 F.2d 1071, 1073 (Fed. Cir. 1988).

ANALYSIS

First Issue: Independent Claim 4

With regard to claim 4, Appellant's contention (App. Br. 7-9; Reply Br. 3-8) that Bazinet fails to teach "access checking logic disposed in said first view programmed to omit said linkage" is convincing. We agree with Appellant (Reply Br. 4-5) that the Examiner has not established that the access checking logic *itself* is disposed in the first view, only that a portal application that runs access checking logic shows the *results* of the logic.

Bazinet discloses access logic as shown in Figure 4 (*see* ¶¶ [0021] and [0049]), and a view of a graphical user interface on a browser 114 as shown in Figure 5 (*see* ¶¶ [0022], [0039], and [0040]; FF 2). However, the Examiner has not persuasively rebutted Appellant's assertion (Reply Br. 6) that Bazinet's access checking logic of blocks 406-414 in Figure 4 are not disposed in the first view (i.e., the web page 502 generated by the portal application 102 shown in Figure 5). Appellant's argument (Reply Br. 6) that there is no disclosure in Bazinet that the logic blocks 406 to 414 in Figure 4 are disposed in the first view (i.e., the web page 502 shown in Figure 5) is convincing.

Because Bazinet does not teach or suggest access checking logic disposed in a first view containing a linkage to a second view (*see* FF 2), and the Examiner has not adequately shown otherwise, the Examiner has not established a factual basis to support the legal conclusion of obviousness. *See Fine*, 837 F.2d at 1073.

While Vasandani discloses role-based access security, Vasandani does not cure the deficiencies of Bazinet discussed *supra*. Accordingly, we will not sustain the Examiner's rejection of claim 4, or dependent claims 6, 7, and 17, which fall with independent claim 4. For similar reasons, and because Schenk fails to cure the deficiencies of Bazinet and Vasandani, we will not sustain the Examiner's rejection of claim 5, which depends from claim 4.

Second Issue: Independent Claims 8 and 12

Turning now to the obviousness rejection of independent claims 8 and 12, we note that these claims are broader than claim 4 discussed *supra*, in that claims 8 and 12 do not positively recite a first view, a second view with linkage in that first view, and access checking logic also disposed in the first view, as recited in claim 4. Claims 8 and 12 simply recite "processing said selected view to identify a method call to access checking logic" and "disposing a link to said different view in said rendering of said selected view" (*see* claims 8 and 12). Thus, claims 8 and 12 do not recite access checking logic being present in the first or selected view *in addition* to the link or linkage to the second or different view.

In the Appeal Brief, Appellant points to blocks 340 and 350 in Figure 3 and lines 1 to 6 of paragraph [0027] of the Specification as providing support for the recitation in claims 8 and 12 of "processing said selected view to identify a method call to access checking logic" (App. Br. 2-3). Block 340 is described by Appellant in the Specification as processing a view to produce a dynamic user interface for the view (FF 1; Spec. ¶ [0027], lines 1 to 5). Block 350 is described as detecting logic relating to whether or not a link to the second view (i.e., access checking logic) is included in the view (FF 1; Spec. ¶ [0027], lines 5 to 6). If the logic is detected in block 350, then that logic is executed in block 360 (FF 1; Spec. ¶ [0027], lines 6 to 7). Figure 3 and paragraph [0027] of Appellant's Specification describe detecting logic relating to the conditional inclusion of a link to a second view, but are silent as to identifying "a method call to access checking logic" as recited in claims 8 and 12.

Appellant's argument (App. Br. 10) that Bazinet has no need for the first view to include a method call to access checking logic because Bazinet's access checking logic occurs *prior* to the generation of the first view or page is unpersuasive. Appellant's argument is notably not commensurate in scope with the actual language of claims 8 and 12, which do not positively recite a "first view" or a "selected view" or even "access checking logic" being disposed in any view. Claims 8 and 12 merely call for "processing said selected view" in order to identify a call that concerns access checking logic (*see* claims 8 and 12). This is in sharp contrast to claim 4, which specifically recites "a first view" having a linkage to a second view, and also recites "access checking logic disposed in said first view" (*see* claim 4).

Bazinet, like Appellant, discloses or suggests "processing said selected view to identify a method call to access checking logic," as set forth in independent claims 8 and 12. The recitation of processing a selected view "to identify a method call to access checking logic" is met by Bazinet's Figure 4 and related disclosure in paragraphs [0038] and [0039] (FF 2). Appellant has not shown otherwise.

Accordingly, we will sustain the Examiner's rejection of claims 8 and 12 and claims 9 to 11 and 13 to 15 which depend respectively therefrom, as being obvious under § 103(a) over the combined teachings of Bazinet and Vasandani.

The obviousness rejection of claim 16 is sustained because Appellant has not presented any patentability arguments for this claim apart from the arguments presented for claim 8 (App. Br. 5).

CONCLUSIONS OF LAW

Bazinet does not teach or suggest access checking logic disposed in a first view containing a linkage to a second view, as set forth in independent claim 4.

Bazinet discloses or suggests "processing said selected view to identify a method call to access checking logic," as set forth in independent claims 8 and 12.

For the foregoing reasons, we find that the Examiner erred in rejecting (i) claims 4, 6, 7, and 17 under § 103(a) as being obvious in view of the teachings of Bazinet and Vasandani, and (ii) claim 5 as being obvious in view of the teachings of Bazinet, Vasandani, and Schenk. On the other hand, we find that the Examiner did not err in rejecting claims 8 to 16 under § 103(a) as being obvious in view of the teachings of Bazinet and Vasandani.

ORDER

We reverse the Examiner's obviousness rejections of claims 4 to 7 and 17 under § 103(a).

We affirm the Examiner's obviousness rejection of claims 8 to 16 under § 103(a).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(v).

AFFIRMED-IN-PART

BAUMEISTER, *Administrative Patent Judge*, CONCURRING-IN-PART:

I would reverse all of the Examiner's obviousness rejections of claims 4-17.

Appellant's Specification does not provide any express definition for what constitutes a "view," as recited in claim 4. Nor has Appellant or the Examiner proffered any definition for this term in their respective filings (*see* App. Br. 2-12; Ans. 3-15; Reply Br. 2-8). The Specification does, however, state that "the first and second views can be [Java server pages]" (Spec. 5; *see also* claim 6). Because Java server pages are software code, I understand a "view," then, to be software code. I further understand the "view" to be distinct from a "rendering of [a] view" (*see, e.g.*, claim 8), only the latter term referring to a displayed image. That is, I understand independent claim 4 – which recites an application framework, a first view, and access checking logic – to be solely directed to software per se. Similarly, I understand independent claim 16 to be directed towards a method of writing computer code. Claims 4 and 16 are not directed to either a machine or a transformation of a machine.

Turning to the rejections, the Examiner's conclusions seem to be based upon the premise that a view corresponds to a rendered image instead of the software code that can be used to generate a rendered image. *See* Ans. 4 (stating that the first view corresponds to Bazinet's web page 502 depicted in figure 5); *see, also*, Ans. 12 (stating that "the portal application generate [sic] a page (equivalent to[2] applicant's first view)"). Regardless of what the Examiner's interpretations may actually be, though, I agree with Appellant (Reply Br. 5-6) and the Majority (Maj. Opinion 7) that the Examiner has failed to establish a prima facie showing that Bazinet discloses "access checking logic disposed in [the] first view" as recited by independent claim 4. As such, I agree with the Majority's decision (Maj. Opinion 7-8) to reverse the Examiner's decision rejecting claims 4-7 and 17.

Unlike the Majority, though (*see* Maj. Opinion 8-10), I would also reverse the Examiner's rejection of claims 8-16. I find it immaterial that independent claims 8, 12 and 16 "do not recite access checking logic being present in the first or selected view *in addition* to the link or linkage to the second or different view" (Maj. Opinion 8). Based upon my understanding of the meaning of the term "view," sufficient grounds exist to reverse the rejection of claims 8 and 12 because the Examiner has not established that Bazinet discloses the limitation "processing said selected view to identify a method call to access checking logic." Similarly, the Examiner has not established that Bazinet discloses "composing a server page to include a reference to said access checking logic" as set forth by independent claim 16.

[2] I further understand the Examiner to have meant that the page corresponds to – as opposed to being "equivalent to" – the first view.

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CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP
STEVEN M. GREENBERG
950 PENINSULA CORPORATE CIRCLE
SUITE 3020
BOCA RATON, FL 33487